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STATE PLANT BOARDUNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH ADMINISTRATION
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE
FOREIGN QUARANTINE NOTICESADMINISTRATIVE INSTRUCTIONS FOR COLD TREATMENTS OF IMPORTED
VINIFERA GRAPES AND CERTAIN OTHER FRUITS

On October 15, 1949, notice of proposed issuance of administrative instructions to be designated as 7 CFR 319.56-2d relating to cold treatments of imported Vinifera grapes and certain other fruits was published in the Federal Register (14 F.R. 6292). After due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority conferred upon him by § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (7 CFR 319.56-2) under section 5 of the Plant Quarantine Act of 1912, as amended (7 U. S. C 159), hereby issues administrative instructions to appear as § 319.56-2d in Title 7, Code of Federal Regulations, as follows:

§ 319.56-2d Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits.--(a) Treatments authorized. The following cold treatments are authorized for imported Vinifera grapes and any other fresh fruits enterable under § 319.56-2 under permit and upon compliance with applicable regulations in this subpart:

(1) Phases of treatments. Authorized cold treatments shall consist of (i) precooling, during which the fruit shall be cooled until its pulp temperature is at or below a level designated in or under this paragraph and (ii) refrigeration, during which the fruit shall be held at or below this level for a number of days designated in or under this paragraph.

(2) Refrigeration temperatures and periods. Fruit cold treated because of the Mediterranean fruitfly shall be refrigerated for a period of 12 days at or below 34° F., or for 16 days at or below 36° F. Fruit cold treated because of fruitflies of the genus *Anastrepha* shall be refrigerated for a period of 16 days at or below 33° F., or for 18 days at or below 34° F., or for 20 days at or below 35° F. Refrigeration temperatures and periods for fruit to be cold treated because of other species of fruitflies may be designated by the Chief of the Bureau of Entomology and Plant Quarantine, if experimental data are available concerning applicable treatments of known effectiveness.

(b) Place and manner of treatments.--(1) Places of precooling and refrigeration. Refrigeration may be conducted while the fruit is on shipboard in transit to the United States. If not so refrigerated, the fruit shall be both precooled and refrigerated after arrival only in cold storage warehouses approved by the Chief of the Bureau of Entomology and Plant Quarantine and located at the Port of New York or such other northern ports as he may hereafter designate. Fruit which is to be refrigerated in transit shall be precooled either at a dockside refrigeration plant prior to loading aboard the carrying vessel, or aboard the carrying vessel prior to its departure. Refrigeration shall be completed in the compartment or room in which it is begun.

(2) Precooling of fruit before departure. Fruit which is to be refrigerated in transit must be precooled to the temperature designated in or under paragraph (a) of this section before it leaves the port of shipment in the country of its origin and a certificate to that effect, issued by a responsible official of the Department of Agriculture of such country shall accompany each cargo of the fruit to its destination. The precooling may be conducted in accordance with either (i) or (ii) of this subparagraph:

(1) Fruit may be precooled at a dockside refrigeration plant prior to loading aboard the carrying vessel. Such fruit shall be precooled to a temperature at which it can be transferred to the refrigerated compartments on such vessel without a rise above the maximum temperature prescribed in or under paragraph (a) of this section. The certifying official shall sample fruit temperatures in all sections of the lot of fruit until he is satisfied that complete precooling has been accomplished in accordance with this section. As the loading proceeds the certifying official shall take frequent temperature readings of individual boxes of fruit. A record of such temperature readings shall accompany the certificate.

(ii) Fruit may be precooled aboard the carrying vessel. Such fruit shall be precooled in the same refrigerated compartments in which it is to be refrigerated. The boxes of the fruit shall be spaced, by horizontal wooden strips, so that each has at least one inch of clearance above and below to allow free circulation of the cooling air. At least two inches of clearance shall be allowed between stacks of the fruit. The certifying official shall sample fruit temperatures in all sections of the compartment until he is satisfied that complete precooling has been accomplished. The entire precooling must be completed as provided in these instructions and the certificate issued before the carrying vessel leaves the country of origin.

(3) Refrigeration in transit. (i) Refrigeration in transit shall consist of holding the fruit temperature at or below the maximum temperature level for the number of days prescribed in or under paragraph (a) of this section. A continuous, automatic temperature record under lock shall be maintained from at least four locations to be designated in each refrigerated compartment by an inspector of the Bureau of Entomology and Plant Quarantine. In large refrigerated compartments additional temperature elements may be required. Vessels whose temperature recording apparatus of less than four elements per compartment has already been approved by the Chief of such Bureau may be allowed to continue with their present equipment. Charts from the temperature recording apparatus shall be made readily available to an inspector of such Bureau at the port of arrival.

(ii) Refrigeration shall begin when the loading of precooled fruit has been completed or when the certifying official is satisfied that precooling aboard the vessel has been completed. The certifying official shall designate and initial on the thermograph chart the beginning of the refrigeration period. Refrigeration shall continue until the vessel arrives at the port of destination and the fruit is released for unloading by an inspector of the Bureau of Entomology and Plant Quarantine, even though this may prolong the refrigeration beyond the required period.

(4) Safeguarding untreated fruit.--Whenever fruit is offered for entry as cold treated in transit and it cannot be established to the satisfaction of such inspector that the fruit has received the required cold treatment, such safeguards against the spread of fruitfly infestation as the inspector may prescribe shall be immediately applied.

(5) Cold treatment after arrival.--(1) Fruit to be both precooled and refrigerated after arrival in the United States shall be delivered under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine to the approved cold storage warehouse where such treatment is to be conducted.

(11) The fruit must arrive at a temperature sufficiently low to prevent insect activity and shall be promptly precooled and refrigerated. An automatic, continuous temperature record is required of each refrigeration, like that prescribed in subparagraph (3) of this paragraph for refrigeration in transit. The number of records required will be designated by the inspector for each refrigeration, depending upon the circumstances of each operation.

(111) Shipments offered for entry before cold treatment may be allowed to leave customs custody under redelivery bond for cold treatment. Final release of the shipment by the Collector of Customs will be effected after the inspector has notified the Collector of Customs that the required cold treatment has been given.

(6) Containers and season of arrival.--There are no restrictions on the types of containers in which fruit may be packed, nor on the season of the year during which shipments may be made. Untreated fruit arriving in broken containers must be immediately repacked under the supervision of an inspector or the contents must be immediately destroyed in a manner satisfactory to the inspector.

(7) Procedures in country of origin.--(i) By arrangement between the Chief of the Bureau of Entomology and Plant Quarantine and the equivalent official in the country of origin, certifying officials will be designated by the country of origin. Their signatures shall be filed with the Bureau of Entomology and Plant Quarantine.

(11) Each container of fruit intended for in-transit refrigeration shall be stamped or marked as it is loaded on the carrying vessel so that it can be readily identified as such. Fruit being shipped under permit to be completely cold treated at the Port of New York or other subsequently designated northern ports shall not be so marked.

(111) Fruit precooled at a dockside refrigeration plant shall be transferred to the refrigerated compartments on the carrying vessel without a rise in temperature above the maximum for the desired refrigeration. When this transfer has been accomplished, the certifying official shall issue a certificate of precooling.

(iv) Fruit to be precooled on the carrying vessel in the refrigerated compartments shall be loaded under supervision of the certifying official to assure that all packages have the proper clearance on all sides. When

precooling has been completed, a certificate of precooling shall be issued by such official.

(v) Fruit in transit for cold treatment after arrival shall be loaded in a separate compartment and segregated from any fruit that is being refrigerated in transit.

(vi) Fruit not intended for any phase of cold treatment shall not be loaded in the same refrigerated compartment with fruit to be given such cold treatment.

(vii) The certifying official shall calibrate the elements of the temperature recording instruments not more than 3 days prior to the loading of fruit, by immersing them in a 32° F. mixture of crushed ice and water, and recording their deviation from 32° F. He shall also supervise the placement of the temperature elements in the proper places in the cargo of fruit.

(viii) The certificate of precooling shall be issued in quadruplicate, to cover the cargo of one vessel. The original certificate shall be airmailed to the inspector of the Bureau of Entomology and Plant Quarantine in charge at the port of destination. One copy shall accompany the carrying vessel. The third copy shall be mailed to the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C. A record showing calibration of the elements of the temperature recording instruments, as required in subdivision (vii) of this subparagraph shall be attached to each certificate, along with any record of the fruit temperature readings required in subparagraph (2) (1) of this paragraph. The certificate shall also show the identifying stamp or mark placed on all containers of fruit undergoing intransit refrigeration.

(c) Approval of precooling plants, refrigerated compartments, warehouses.--All precooling plants in the country of origin, the refrigerated compartments on the carrying vessels, and cold storage warehouses at the Port of New York or subsequently designated northern ports must have prior approval of the Chief of the Bureau of Entomology and Plant Quarantine before any phase of cold treatment is begun. Requests for such approval shall be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, New Jersey. 1/

(d) Caution and disclaimer.--In prescribing cold treatments of Vinifera grapes and certain other fruits, it should be emphasized that inexactness and carelessness in applying the treatments may result in injury to the fruit, or its rejection for entry. The cold treatments required for the entry of fruit are considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event injury results to fruit offered for entry in accordance with these instructions.

The foregoing instructions supersede the administrative instructions in B. E. P. Q. Nos. 463 and 464 (7 CFR 319.56-2d and 319.56-2e).

1/ Applications for permits to import fruit under this subpart may also be made to said Import and Permit Section.

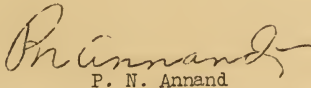
This section shall be effective on and after November 17, 1949.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159; 7 CFR 319.56-2)

The purpose of the foregoing instructions is to combine in one document all instructions for cold treatments of Vinifera grapes and certain other fruits imported under permit in accordance with the regulations supplemental to the Fruit and Vegetable Quarantine. The foregoing instructions also authorize the cold treatment of all enterable fruit, whereas previous instructions applied only to Vinifera grapes and certain other deciduous fruit. In addition, the foregoing instructions authorize alternative schedules for treating such fruits and remove both the date restrictions on the entry of fruit for cold treatments at the Port of New York and the limitations on types of containers in which such fruit must arrive.

By authorizing cold treatment of all enterable fruits, providing treatments alternative to those previously available, and removing limitations on the dates of entry and types of containers, these instructions remove restrictions previously imposed. Accordingly, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) and may properly be made effective less than 30 days after their publication in the Federal Register.

Done at Washington, D. C., this 8th day of November, 1949.



P. N. Annand

Chief, Bureau of Entomology and Plant Quarantine

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